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INFO RUEHZH/HAITI COLLECTIVE PRIORITY
RUEHBR/AMEMBASSY BRASILIA PRIORITY 1453
RUEHSA/AMEMBASSY PRETORIA PRIORITY 1276
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C O N F I D E N T I A L SECTION 01 OF 03 PORT AU PRINCE 000477

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SUBJECT: LAVALAS CLASHES WITH CAP HAITIEN PORT AUTHORITY

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Classified By: Ambassador Janet A. Sanderson for reasons 1.4 (b) and (d).

¶1. (C) Summary: Lavalas demonstrations began on February 24 at the Port of Cap Haitien in response to an incident in which a port security guard pepper sprayed a Fanmi Lavalas deputy mayor-elect, Fritz Joseph. Joseph was attempting to gain entry to the port without proper identification as part of an ongoing process to secure compensation for fired port employees. Police arrested the security guard, Rico Colbert, for assault. The port authorities and FL gave disparate accounts of the incident, with each placing the blame on the other. Port authorities see the incident as part of a wider plot by FL to regain control of the port facility. The fiery fallout over the skirmish sheds light on the resilient FL presence in the north and emphasizes the tenuous status of port security in Haiti. End Summary.

Source of the Conflict: Back Pay

¶2. (U) Early in February President Preval authorized severance payments (equivalent to one year's salary) for 450 national port authority (APN) employees in both Port-au-Prince and Cap Haitien whom the Interim Government of Haiti (IGoH) fired between 2004 and 2006. The GoH has been struggling to manage the back pay issue at the port since the IGoH days, with one of the sticking points being that many people listed on the payrolls during the Aristide era never actually worked at the port. In Cap Haitien, some of those claiming to be former employees were unable to obtain their money from the bank because of errors on the payroll lists. (Note: There may have been actual errors on the list or people who had never been employed were attempting to cheat the system. End note.) On Friday, February 23, a group of former employees arrived at the front gate of the port of Cap Haitien to ask that the errors be corrected. According to the head of security for the port of Cap Haitien, Pierre Gerald Gay, the port's chief of personnel agreed to meet with the group but instead of waiting for an escort, they pushed past the gate and proceeded to verbally threaten the chief of personnel. The assistant director of APN/North, Lamothe,

assured the group that the errors would be corrected, and they left.

The Pepper Spray Incident: Agreed-on Facts

13. (U) The following morning, Saturday, February 24, a port security guard had a physical confrontation with one of the deputy mayors-elect for the city. In conversations with Poloff, port authorities and the three-person slate of mayors-elect (Fanmi Lavalas) gave differing accounts of the incident. Both sides concurred that on February 24, deputy mayor-elect Fritz Joseph came to the port with some of the disgruntled former employees. The guard at the gate, Rico Colbert, asked Joseph for identification before granting him entry, as is standard practice at the port. A scuffle - which both sides describe very differently - ensued, and in the end Colbert sprayed Joseph in the eyes with pepper spray.

Joseph left to deal with his eyes, but a group of Lavalasians gathered outside the port and started throwing rocks and bottles at the entrance. Michel Saint Croix, mayor-elect and head of the Lavalas mayoral slate, arrived on the scene, as did MINUSTAH and HNP. At Saint Croix's request, Cap Haitien police commissioner Kesnel Pierre ordered the arrest of Colbert. Colbert appeared before justice of the peace Ronald Pierre on February 26 but refused to speak without a lawyer present. Colbert appeared again on Wednesday, February 28, at which time Hannibal Beliard, a reported Lavalas thug, verbally and physically threatened him. Authorities subsequently arrested Beliard for assault.

The Port's Version

14. (U) According to Gabriel Lerouge (protect), chief advisor

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to port director Jean Latortue, Fritz Joseph did not have an official badge issued by APN so Colbert rightfully did not allow him to enter. Joseph and his group threatened to come in anyway and tried to push past Colbert, grabbing him by the shirt collar in the process. To prevent them from unlawfully entering the port, the guard sprayed Joseph with pepper spray. Another port facility security officer present on the day of the incident speculated that the reason Joseph was seeking entry on a Saturday is that he is involved in smuggling cocaine through the port. He claimed that the four men accompanying Joseph had backpacks of drugs with them, which they successfully delivered to a boat after entering the port through a different gate. Lerouge also made several other allegations, including that the former FL deputy from Cap Haitien Nahoum Marcellus is working with Saint Croix to purposely stir trouble in the port; Jean Reneau, Latortue's predecessor, over-employed guards at the port so they were close at hand whenever Lavalas needed them to protest in the streets or set up roadblocks; Cap Haitien police commissioner Kesnel Pierre is involved in gang activity; and FL tried to poison Colbert while he was in prison.

15. (U) Port security officer Pierre Gerald Gay reported to Poloff that during Colbert's first court hearing on February 26, Saint Croix and Marcellus disrupted the proceedings by shouting out that Colbert should be released from custody so they could kill him. Gay also reported that the man who attacked Colbert in the courtroom on February 28, Hannibal Beliard, is on the payroll of Saint Croix and Joseph. (Note: Saint Croix and Joseph denied any association with Beliard. End Note.) Gay's description of the incident was that Beliard infiltrated the courtroom and started verbally threatening Colbert, saying "if there wasn't a gate here to protect you, I would kill you." He also had a "Rambo" style long blade that he used to try to kill Colbert. (Note: Gay also reported that Beliard is a 33 year old deported from the U.S. in 2004. End note.)

The Lavalas Version

¶6. (U) Poloff spoke with all three members of the Lavalas mayoral slate - Michel Saint Croix, Fritz Joseph, and Philocles St Fleur - on March 2. Joseph's version of the February 24 incident was that he went with several former port employees to the port to see the personnel chief, with whom he had an appointment, and after Colbert denied him entry he turned to leave without a fight. Colbert then hit Joseph in the back with the gate, proceeded to beat him with his nightstick, and then finally pepper sprayed him in the eyes. Joseph left the scene to go to the hospital, but Saint Croix arrived later and dispersed the crowd of Lavalasians who had begun throwing rocks at the port workers. Saint Croix noted that he holds a lot of sway over this group and was able to use his influence to quickly calm the crowd. Saint Croix also admitted he has a very close relationship with Cap Haitien police commissioner Kesnel Pierre and that he called Kesnel personally to have Colbert arrested. Saint Croix denied threatening Colbert's life in the courtroom. The three men related to Poloff that Colbert himself has a criminal record, having been arrested in November 2004 for trafficking firearms into Saint Marc and in a separate instance, having shot his own son.

APN Director Weighs In

¶7. (C) Econoff spoke with APN director Evans Charles (protect) on March 1 regarding the significance of the incident in Cap Haitien. Charles conveyed that he is concerned these types of incidents will reoccur as politicians such as the mayor-elect attempt to gain control of the port. He stated that one of the reasons the port system is so dysfunctional is that it has always been heavily politicized. Aristide packed the upper tiers of management with key supporters and made sure that the patronage system provided jobs for his rank-and-file partisans as well. Charles is concerned that the mayor-elect is trying to stir

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up trouble to "prove" to his supporters that Latortue is unfit to be port director and should be replaced with someone from Fanmi Lavalas.

¶8. (C) In regard to the issue of severance payments, Charles is upset that he is required to pay some people who "never actually did a day's work at the port," but are in a position to create trouble at port facilities. According to Charles, the President is "buying off" these workers in both Port-au-Prince and Cap Haitien to keep the peace and prevent port operations from being hindered. He said that many of these fired workers have been creating problems off and on at the Cap Haitien port since 2004 and that the mayor-elect is using the matter to destabilize port operations. Charles is doubtful that these folks will go away quietly once they receive their severance payments.

Port Director Takes Action

¶9. (U) Cap Haitien port director Jean Latortue has initiated measures to increase security in the port as a means to achieve standards set forth in the 2003 International Ship and Port Facility Security (ISPS) Code. (Note: Latortue is the older brother of Youri Latortue, first senator from the Artibonite department. End note.) On December 20, 2006, several Haitian agencies and UN security forces teamed up to sweep the port basin clear of derelict vessels and unauthorized persons from the APN facility. In addition, APN put in place new rules to control pier access for small

freight ships and sailboats when conducting trade. These partner agencies - APN Security, Haitian Coast Guard, HNP, Immigration, Customs, SEMANAH (Maritime and Navigation Service), UN Police and UN Military officials - now meet on a regular basis to address issues related to port operations and maritime security.

¶10. (C) After the "Pepper Spray Incident," Latortue hosted multiple meetings to discuss increased vigilance on the part of all port security. These meetings, attended by the secretary of state for finances Sylvain Lafalaise as well as

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CGLO and Poloff, seemed to be aimed at restoring morale to the guards after one of their own was arrested, and at preventing an escalation of the current conflict. Latortue said he is also planning on filing a formal complaint against Fritz Joseph. Latortue's advisor, Gabriel Lerouge, expressed to Poloff his concern that Lavalas is working to oust Latortue from his position and put in their own crony so they can regain control of the port. (Note: Several of the port security personnel hired by APN are former Haitian military, a group with a long-standing rivalry with Lavalas dating back to Aristide's first term in the early 1990s. End note.)

¶11. (C) Comment: Cap Haitien may be the last area of Haiti where Lavalas has a strong presence. Fanmi Lavalas won all local elections on December 3, including mayor, town delegate, communal section administrative council (CASEC), and communal section assembly (ASEC). The across-the-board victory makes it easier for them to regain the control they had over the port prior to 2004, should that be their intention, and concerns that Lavalas is trying to wrench back control in order to pursue illegal activities warrant attention. Post notes, however, that Lavalas was elected on the basis of small voter turnout and the support of the population is far from clear (as reported septel). Additionally, the port authorities at least appear to be willing to stand up against threats of intimidation.

SANDERSON